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Viewing cable 09CARACAS1589, Chavez Calls for Cedenos Extradition and 35-Year Sentence for the Judge

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Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

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If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#09CARACAS1589**.

Reference ID	Created	Released	Classification	Origin
09CARACAS1589	2009-12-22 21:27	2011-08-30 01:44	CONFIDENTIAL	Embassy Caracas

Appears in these articles:

<http://www.semana.com/mundo/wikileaks-venezuela-dos-caras-eligio-cedeno/159036-3.aspx>

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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 001589

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SUBJECT: Chavez Calls for Cedenos Extradition and 35-Year Sentence for the Judge

CLASSIFIED BY: Robin D. Meyer, Political Counselor, State, POL; REASON: 1.4(B), (D)

Chavez Calls for Expeditious Extradition of Cedenos ...

¶1. (C) During a December 21 broadcast, President Chavez announced that fugitive banker Eligio Cedenos had been detained in

the United States and asked the relevant government ministries to quickly put together the necessary documentation for an extradition request to the United States (see reftel for background on Cedeno case). Chavez added, "Let's hope they extradite him." Chavez alleged that Cedeno had illegally left Venezuela since the judge had only granted him a conditional release, which prohibited him from leaving the country and required him to appear before the court every 15 days. (Note: The judge also required him to turn in his passport, although it is not clear whether he actually submitted his passport before he left the courthouse on December 10. According to DHS, Cedeno entered the United States with a valid Venezuelan passport and visa foil #64533655, issued by Embassy Caracas on September 10, 2003. It is therefore not clear what, if anything, he provided to the court pursuant to the judge's conditional release order.)

12. (C) Venezuelan Ambassador to the United States Bernardo Alvarez told Ambassador Duddy on December 20 that the Foreign Ministry was working with the other relevant ministries to quickly put together the extradition request.

... and "Full Force of the Law" Against Judge Afiuni

13. (U) Chavez reiterated his call for the judicial system to apply the full force of the law to Judge Afiuni, who ordered Cedeno's conditional release on December 10. According to Chavez, "Everything was planned and they took out this man by the back door. Is she or is she not imprisoned for good reason? She is." ("Esta o no bien presa esa jueza? Esta bien.") He continued, "How is there going to be justice in a country where judges can lend themselves to that? ... If a killer gets 30 years, a judge should get 35 years. I ask for the maximum sentence for the judge who lends herself to such violations ("vagabunderias"), and not in an office, but in prison."

14. (U) Judge Afiuna remains imprisoned at the women's detention facility (INOF), where she was transferred on December 18 despite protests from her attorneys that she faced threats from prisoners she may have sentenced. Her lawyers have filed requests to have her detention order reviewed and to have her moved to another facility. A prosecutor and a doctor reportedly visited her in prison yesterday and "certified" that the judge said she had not been subject to death threats and was in good health.

... and Warns Other Bankers

15. (U) Chavez congratulated Attorney General Luisa Ortega Diaz and the police investigative bodies for their work in the case of the banking scandal (reftel). "Fall whoever falls ... we are obligated to look under a bigger magnifying glass... to follow the investigations." He reiterated his insistence that the president of the Banco Federal, Nelson Mezerhane, clarify to the Attorney General a statement he allegedly made last week in which he said the recent banking crisis was produced in a "laboratory" by people "linked to the government." Chavez had previously requested an investigation into Mezerhane's alleged statement.

Who is Judge Afiuni?

16. (U) A profile of Judge Afiuni carried in the December 19 edition of "El Nacional" described her a law school graduate who worked for ten years in the police investigative service (CICPC) before entering the judiciary in 2002, rising to her position of judge in 2006. When the Cedeno case was assigned to her on November 25, she reportedly commented to a friend that such a "polemical" case could ruin her plans to travel to Miami, as she does every year, to take advantage of the after-Thanksgiving Day sales. However, she reportedly did make her annual shopping trip to Miami and returned loaded down with suitcases and without even enough money to pay the taxi driver who took her home from the airport. However, the article quoted her family as saying they did not have the financial resources to pay for private defense attorneys and that her attorneys were personal friends who had agreed to work pro bono.

17. (U) The article also cited a co-worker, who characterized Afiuni as "honest, hard-working, professional, and fair. I would not walk on coals for anyone ("no meto las manos en el fuego por

nadie"), but I would for her." A bailiff at the Ministry of Justice said he had once overheard Afiuni tell the president of the judicial circuit: "Don't send me political cases, leave me be, tranquil, with my common prisoners." Another colleague commented that "all criminal judges pray to God that we don't get a case where the government has an interest because to decide according to the law could cost us our job."

Comment

18. (C) Given Afiuni's reported interest in avoiding politically-charged cases, her decision to release Cedeno is surprising since his release after almost three years was certain to attract attention from the highest levels of the government, especially in light of the banking scandal that had led the government to intervene in eight banks.
DUDDY